

MAIN CASE

Reference No: 18/00905/FUL

Proposal: Part demolition and refurbishment of existing office building. Conversion of existing pool house to a separate dwelling. Demolition of ancillary buildings and the construction of 3No. residential units with associated parking and landscaping.

Site Address: Vine House 6 Fair Green Reach Cambridge CB25 0JD

Applicant: Ibsen Jaywalker Estates Ltd.

Case Officer: Dan Smith, Planning Consultant

Parish: Reach

Ward: The Swaffhams
Ward Councillor/s: Councillor Allen Alderson

Date Received: 12 July 2018 **Expiry Date:** 11 February 2019
[T194]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reason below:

1.1.1 The proposed development would require the widening of the access into the site which would necessitate the removal of a protected lime tree at the entrance to the site which is an important landscape feature. It would also put at risk other trees on the access through widening the access within their root protection areas bringing the access into close proximity to their trunks and branches. There is no opportunity to plant replacement trees elsewhere on site which would provide a similar landscape benefit and the loss of the tree(s) is considered to cause significant harm to the character of the area on the approach to the village and to the visual amenity of the area. This is contrary to policies ENV 1 and ENV2 of the adopted Local Plan and policies LP22 and LP28 of the Submitted Local Plan 2018. The identified harm is considered to significantly and demonstrably outweigh the benefits associated with the development contrary to paragraph 11 of the National Planning Policy Framework 2018.

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent for the refurbishment of the existing office at Vine House and conversion of the pool room into a dwelling. Furthermore, the ancillary buildings on the site would be demolished and replaced with 3no. dwellings.
- 2.2 The application was amended to show revisions to the access including a widening of the entrance immediately adjacent to Burwell Road.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 This application has been called in to Planning Committee by Councillor Alderson as he is of the view that the benefits of the housing outweigh any perceived disadvantages.

3.0 PLANNING HISTORY

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| 3.1 | 17/00967/OUT | Erection of 3 dwellings on the frontage of the site to the east of the access to the current application site | Approved | 27 July 2017 |
| | 18/00905/FUL | Outline application for the erection of up to 4 No dwellings on the site to the east | Refused | 15 January 2019 |
- 3.2 Both of the above applications are located in close proximity to the site but are not within the application site.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site includes the existing dwelling on the frontage of Fair Green, a pool house (barn) to the side, an office building behind the main dwelling and other outbuildings to the rear. There is land associated with the property to the rear, the northern part of which is garden to the dwelling and the southern portion of which is given over to parking. The dwelling is accessed off the frontage on Fair Green with the remainder of the site accessed from the rear (east) via an unadopted lane which runs north from Burwell Road, across neighbouring land and into the site.
- 4.2 The main site is primarily located within the established development envelope of Reach and its Conservation Area. The access and the main parking area are outside of the envelope to the east. There is a single grade II listed building, the Church of St Ethelreda, within the immediate vicinity of the site, approximately 40 metres to the north of Vine House. It is separated from the site visually by other buildings on Fair Green.

4.3 There is a row of lime trees immediately adjacent to the access way which have recently been protected with a Tree Preservation Order. Several other trees towards the rear of the main site are also the subject of a TPO. The lime tree on the front corner of the access is protected by a separate TPO relating to trees along Burwell Road.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Reach Parish Council – in response to the initial consultation, the Parish Council stated that it would like to make the following comments on the above planning application:

- Overshadowing – Plot 2 is 3m from the boundary and very tall and dark so close to neighbouring houses.
- Overlooking & loss of privacy – Sight lines may affect 1 & 2 Fair Green and there is a potential problem with 1 - 5 Burwell Road.
- Highways issues – Access and safety are an issue. The 90° bend and narrowness of the track is a problem. There are no passing places and these issues will be exaggerated for commercial & emergency vehicles. Bins having to be taken to the Burwell Road and left at the side are also a problem, these are both practical and safety problems. Lack of direct safe pedestrian access to the Green. Residents would have to walk down the track and along the Burwell Road within a 60mph limit, without pavement to get to the village centre. Parking is insufficient with up to 4 cars being parked at right angles to the Green.
- Noise & disturbance – Neighbouring residents are concerned for the increase of traffic noise & activity 7 days a week at a wider range of times.
- Deficiencies in social facilities – Lack of space in local schools and doctor's surgeries.
- Loss of trees – The 2 trees that are to be felled are not necessarily trees of importance, but residents are concerned regarding the loss of privacy.
- Conservation area – The frontage of the building onto the Green, which is on silts, is not appropriate. Additional parked vehicles on the Green are not acceptable and will have an adverse effect on the look of the Green.
- Layout & density of building design – The new buildings appear tall in comparison to those in the local area. As stated above the stilts design on the Green side is in appropriate. Also, there are too many dwellings in a small area.

It also expressed concern that should any buildings go ahead that work is restricted to only during the working day as the site is close to neighbouring houses.

In response to the consultation on the amended plans it stated that two Reach Parish Councillors had visited the site to measure the area for the widened driveway and had found that the dimensions requested by the LHA were unobtainable. It stated its concern that any attempt to widen the present track would cause damage to the roots of the trees with TPOs. It also stated concerns regarding highway safety, bin storage and collection and visitors and residents parking on Fair Green.

Ward Councillor - the application was referred to the Planning Committee by Councillor Allen Alderson. He states that the change of use would not increase traffic to the site and therefore would not cause harm to the trees protected by TPOs. States his original concerns regarding the safety of the access have been overcome by the proposal to widen the access. States that the benefit of the housing provided outweighs any perceived disadvantage.

Conservation Officer – verbal discussions were held with the Conservation Officer who confirmed her support for the proposed development in terms of its layout, design and impact on the Conservation Area. She suggested conditions were applied in respect of the use of appropriate materials.

Cambridgeshire Archaeology - states that the site is in an area of high archaeological potential and, while not objecting to the proposed development, requests a condition for a Written Scheme of Investigation.

Local Highways Authority – initially objected on the grounds of an inadequate width of access at the junction with Burwell Road and a lack of passing places on site. The application was subsequently amended in an attempt to address the LHA's concerns including the provision of a widened access. The LHA has since stated the access arrangements are acceptable and removed its objection, subject to a condition requiring the provision of the widened access.

ECDC Trees Team - assessed trees within the boundary of the application and adjacent to the development site for suitability to be protected by a tree preservation order (TPO). A new TPO E/04/18 was served and confirmed during the course of the application which covers 4 individual trees and 2 groups of trees, some of which are within the boundary of the development site. The serving of the TPO is in recognition of the amenity value of the trees.

The latest proposals have been considered by the Trees Team which has stated that the proposal would adversely undermine the future and amenity value of trees covered by Tree Preservation Orders. States that the preservation orders have been made to protect a most attractive entrance into the village from Burwell to the east and that the trees contribute significantly to the character and appearance of the village by virtue of their prominent location.

The Trees Team suggests that insufficient consideration has been given to the constraints placed on the new access road by these protected trees and objects to the proposal due to the necessary removal of a TPO Lime tree at the entrance to the access driveway and the likely detrimental impact on trees in the TPO Lime tree belt bordering the access driveway to the site.

CCC Growth & Development - no comments received.

Environmental Health - notes that the residential development would be vulnerable to contamination and requests conditions requiring a scheme of investigation and remediation of contamination and in respect of unanticipated contamination. Also requests a condition regarding construction hours. Notes the location of the site close to a public house, but has no record of noise complaints so does not object.

Suggests that window placement be considered so that noise impact from the pub is minimised.

Waste Strategy (ECDC) - states that residents would be required to bring waste to the site entrance on Burwell Road on the relevant collection day and that the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres. It notes its prerogative to charge for the provision of waste receptacles.

5.2 Public Consultation – A site notice was displayed on the 8th August 2018 and a press advertisement was published in the Cambridge Evening News on the 18th July 2018. 37 local properties were notified on the original application and/or the amendments. Representations were received from the owner/occupiers of 28 properties in Reach, all objecting to the application on some or all of the following grounds:

- Access safety concerns
- Dangerous junction
- Narrow verge for bins
- Noise pollution from residents of the site
- Overdevelopment of the plot
- Backland development
- Impact on trees
- Ecological impact
- No passing places on road
- Road too narrow for emergency vehicles
- No screening proposed
- Drainage concerns
- Landscaping and its ongoing maintenance
- Overly dense
- Unsightly relocation of aerial
- Inappropriate footprint
- Increase parking on Fair Green
- No provision of footway
- Minimal contribution to Conservation Area
- Overlooking
- Climate Change
- Views of broadband mast
- Not right-of-way over land
- Light pollution from dwellings
- Lack of facilities in the village
- Limited infrastructure
- Unaffordability of proposed housing
- Sets a precedent
- Plan inaccuracies
- Access not achievable due to lack of land ownership

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
COM 7	Transport impact
COM 8	Parking provision
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV7	Biodiversity and Geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest

6.2 Supplementary Planning Documents

Design Guide – Adopted March 2012

Flood and Water – Adopted November 2016

Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010

Developer Contributions and Planning Obligations – Adopted May 2013

6.3 National Planning Policy Framework 2018

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2018

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside
LP6	Meeting Local Housing Needs
LP8	Delivering Prosperity and Jobs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP22	Achieving Design Excellence
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets

- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 The main planning considerations are the principle of development; impact on visual amenity; residential amenity; historic environment, highway safety and parking provision; impact on trees, land contamination; flood risk and drainage; and biodiversity.

7.2 Principle of Development

7.2.1 As the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by paras 67 and 73 of the NPPF. The Council's *Five Year Housing Land Supply Report* (November 2018) demonstrates that the Council has a 3.94 year supply of deliverable housing land. As a result, the policies within the Local Plan which relate to the supply of housing, namely GROWTH 2 of the Local Plan and LP3 and of the Submitted Local Plan 2018, should not be considered up-to-date as per paragraph 11.d and footnote 7 of the NPPF. The Supreme Court decision of 10 May 2017 ([2017] UKSC 37 *Suffolk Coastal District Council v Hopkins Homes Ltd*) re-emphasised that where relevant policies are out of date, the "tilted balance" within the NPPF (para 11.d and footnote 7) applies, meaning that permission should be granted 'unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.

7.2.2 The main part of the application site is within the established development envelope of Reach, with the access, garden for plot 4 and the parking for plot 2 outside of the envelope in the countryside. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the adopted Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme is not an affordable housing exception site, however the built development proposed is located within the development envelope with the access and other ancillary areas being outside. The majority of the development is therefore considered to be in a location which has policy support.

7.2.3 The access, garden and parking, which are outside of the development envelope, are key to delivering an acceptable scheme and their location outside of the development envelope means the development is not in full compliance with policy GROWTH 2. Given the lack of a 5 year supply of available housing land, a balancing exercise therefore needs to be carried out between the adverse impacts and the benefits of the scheme. As part of that balance, in the absence of a five year supply, considerable weight and importance should be attached to the benefit which the proposal brings in terms of delivery of new homes.

- 7.2.4 The detailed impacts of the scheme are considered below followed by the consideration of the benefits, adverse impacts and the planning balance.
- 7.2.5 The existing business use would be retained in a refurbished building on the site and it is considered that the existing business use would not be compromised. The proposal is therefore considered to accord with the requirements of policy EMP1 of the adopted Local Plan 2015 and policy LP8 of the Submitted Local Plan 2018.
- 7.3 Residential Amenity
- 7.3.1 Policies ENV2 of the adopted Local Plan 2015 and LP22 of the Submitted Local Plan 2018 seek to avoid a significantly detrimental effect on the residential amenity of nearby occupiers. The impact of the development on the occupiers of neighbouring dwellings is assessed below in respect of each element of the development.
- 7.3.2 Vine House is remaining unchanged by the proposal and the impact on neighbouring properties would likewise be unchanged.
- 7.3.3 The existing office uses are to be consolidated by the proposal into the existing building to the rear of Vine House. A new formalised parking area is proposed to the east of the building. The internal layout is as existing with the office use continuing. The amenity impact of the use is not considered to be significantly increased by the proposed development and overlooking from the building would remain unchanged.
- 7.3.4 The existing pool room is to be refurbished and converted to a dwelling shown as Plot 1 on the submitted plans. Several roof lights are proposed at first floor serving a bedroom, dressing room, landing and staircase and a large window is proposed in both the front and rear elevations. The existing pool building has a rear window facing onto the rear of the dwellings along Burwell Road and is sited approximately 15m from the rear elevation of 1 Burwell Road. Considering the presence of an existing window on the pool room building and the separation distance, the retention of this window is considered acceptable. The large window to the front overlooks the green and has a minimal impact on amenity. The proposed conversion is unlikely to have an overbearing impact on any residents, as it is an existing building being refurbished.
- 7.3.5 The new dwelling shown as Plot 2 on the submitted plans is the smallest dwelling proposed. It will be sited 10m from the rear elevation of 3 Burwell Road, in the eastern element of the site. The dwelling would be located 3m from the rear boundary of No. 3 and no windows were proposed in that facing elevation, negating any overlooking arising from this dwelling. As the new dwelling would be relatively close to the existing dwelling and its garden, there would be some sense of overbearing from the dwelling on the private amenity space of 1 Burwell Road. However, as the dwelling is located gable end on to the neighbour and of relatively limited scale, the overbearing impact is considered to be within acceptable limits and is not so harmful as to justify refusal. Two narrow dormer windows serve Bedroom 3 of the dwelling which is located 14m from the dwelling at 5 Burwell Road. Considering the size of the windows and the oblique angle at which they are positioned, the overlooking impact is not considered to significantly compromise the

privacy of these residents. The windows on the rear of the dwelling facing south west would not result in any significant overlooking of neighbouring dwellings on Burwell Road due to the oblique angle at which they are set and the screening provided by the rear extension to No. 1 Burwell Road.

- 7.3.6 Plot 3 is sited on the western side of the plot, significantly distanced from neighbouring dwellings (25m from 7 Fair Green, 30m from 11 Fair Green and 24m from 9A Fair Green). The site is located adjacent to the rear parking area of Dyke's End public house. The Environmental Health department has recommended that consideration be given to keeping habitable accommodation away from the elevation facing the public house. Although two bedrooms face onto the parking area of the public house, it is considered that the proposed dwelling would offer an acceptable level of amenity to its occupants. The Environmental Health department has no record of complaints against the public house and the public garden is located to the front of the premises with only a parking area to the rear. Furthermore there are existing dwellings nearer to the pub than that proposed on plot 3 and any future purchasers of the dwelling would be aware of its location next to a public house.
- 7.3.7 Plot 4 is in a similar location to Plot 3, isolated from neighbouring dwellings and in relatively close proximity to Dyke's End public house. A single bathroom window which could be required to be obscurely glazed is proposed on the rear elevation, facing 9A Fair Green (17m away) and the scale proposed is sufficient to avoid a harmfully overbearing impact on any surrounding residents.
- 7.3.8 The impact of the use of the access to serve the properties has been considered in terms of the impact of associated noise on neighbouring properties. It is not considered that a substantial increase in vehicle movements to the office and the three dwellings would be likely to result as the access is currently used by the office. Noise during construction would have the potential to cause amenity issues for neighbours, however, as suggested by the Council EHO, this could be adequately mitigated by a condition restricting hours of construction.
- 7.3.9 In terms of the occupants of the proposed dwellings, each dwelling would have a private garden area in excess of the 50m² minimum suggested by the Design Guide SPD. Two new dwellings also adhere to the suggested plot size of approximately 300m² and the suggested footprint of approximately one third of the plot size. The dwelling achieved through conversion and the dwelling on plot 2 fall below those recommendations, however the dwelling achieved via conversion is constrained by the size of the existing building and the dwelling on plot 2 has windows facing out over the open part of the site to the east providing the plot with a sense of spaciousness even though that land will be communal in use.
- 7.3.10 It is therefore considered that the proposal complies with policy of the adopted Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 in respect of the impact on residential amenity and is acceptable in terms of the recommendations of the Design Guide SPD.

7.4 Visual Amenity

- 7.4.1 The proposal is comprised of three main elements: the refurbishment of the existing office building; the refurbishment and conversion of the pool room to a dwelling; and the removal of existing outbuildings and construction of 3 new to the rear of the site. The host dwelling at Vine House, which covers the majority of the site frontage, is to be retained as existing. Works to the existing access and removal of some of the trees on site are also proposed.
- 7.4.2 The gable elevation of the pool room forms a prominent rendered feature in the street-scene of Fair Green. The proposal would retain the existing opening points and the rendered façade; a car-port would be constructed in the front elevation in place of the existing garage to provide parking at the front of the site and this is considered acceptable in terms of its impact on the visual amenity of the existing street-scene. The massing and bulk of the proposed dwelling would appear in keeping with the existing structure and the materials palette is sensitive to the wider area. As this is the only element of the site that will have a discernible impact on the public appearance and character of the Conservation Area, weight is given to the fact that the design is kept similar to the existing, albeit refurbished and updated and it is considered an improvement to the overall character and appearance of the Conservation Area and will not cause harm.
- 7.4.3 The existing building at the rear of Vine House, which is currently used as an office, would retain this use and be refurbished using existing materials with new windows and an entrance. An element of the building would be demolished as part of a consolidation of the office uses on the site and the new front elevation has been designed to appear in keeping with the existing architectural vernacular on site. The elevation that faces onto Fair Green would retain its appearance and the refurbishment is considered to enhance the character and appearance of the Conservation Area and would not cause it any harm.
- 7.4.4 The provision of the three new dwellings to the rear of the site would involve the removal of existing outbuildings from the site. The existing cluster of outbuildings gives the character of a site which has developed in depth with agricultural/ancillary buildings behind the main house. To the north of the site, there is a pair of dwellings which are located behind an existing dwelling and the public house.
- 7.4.5 The new dwellings are sited around a central courtyard, with open space to the north east of the site. The dwellings proposed are designed to be barn-like in their form and layout and their scale is modest. This layout and form of development has been chosen to reflect the existing context of the site, as one which has development in depth and reflects the character of the dwellings to the north. The new dwellings would not be located any further back on the site than the existing outbuildings and no further from Fair Green than the existing dwellings to the north. While the new dwellings would result in the development of some existing garden, it is not considered that the development would result in a significant loss of openness or harm to character as the element of the rear of the site which is within the development envelope is already developed in depth with the outbuildings. On that basis, the form and layout of the development is considered to reflect the existing character of the site and be appropriate to the wider context of the surrounding area.

- 7.4.6 The buildings have a range of contemporary design elements including metal-clad low-profile dormers and are mostly timber-clad with clay pantiles and buff brickwork. Due to the very limited views from the public domain, the dwellings would not have a significant impact on the visual amenity of the area, however they are nonetheless considered acceptable in terms of their appearance and siting. The density of the three dwellings is similar to that on Fair Green and Burwell Road and it is considered that the density of the scheme does not constitute overdevelopment of the site; particularly considering that the footprint of the dwellings is similar to the existing buildings which would be removed from the site.
- 7.4.7 The built development of the main site is therefore considered to comply with policies ENV1 and ENV2 of the adopted Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018 and is acceptable in terms of the recommendations of the Design Guide SPD.
- 7.4.8 While the proposed development is considered acceptable in terms of the impact of the built development, the impact on visual amenity of the removal of existing trees on the site including to facilitate a widened access is considered unacceptable as detailed in section 7.6 below.
- 7.5 Historic Environment
- 7.5.1 The part of the site which would be developed for the office and housing is within the Reach Conservation Area and within approximately 40 metres of the grade II listed church to the north. The Conservation Officer raised no objections to the proposal and it is considered that the development within the Conservation Area would have an acceptable impact on its character and appearance. The proposal is sympathetic in its scale and choice of materials and would result in several of the buildings within the more prominent part of the Conservation Area being refurbished and upgraded, ensuring their future presence in the street-scene, enhancing the character and appearance of the conservation area.
- 7.5.2 Conditions could be used to ensure the development assimilates well into its sensitive setting and that suitable materials are selected for the dwellings and the office refurbishment. Policies ENV2 and ENV11, ENV12 and ENV14 of the 2015 Local Plan and Policies LP22 and LP27 of the 2018 Submitted Local Plan seek to ensure that proposals make an efficient use of land while respecting village character and the historic environment. It is considered that the scheme preserves the special character and appearance of the Conservation Area and will result in several of the buildings fronting Fair Green to be enhanced visually.
- 7.5.3 The proposed development is within an area identified as being of high archaeological potential. Were permission granted, it is considered that the impact of the proposed development on the archaeological interests of the site could be adequately mitigated by a condition requiring pre-development archaeological investigations.
- 7.5.4 It is therefore considered that the proposal complies with policies ENV2 and ENV11, ENV12 and ENV14 of the adopted Local Plan 2015 and policies LP22, LP28 and

LP27 of the Submitted Local Plan 2018 in respect of the impact on the historic environment.

7.6 Trees

7.6.1 The application site is home to many trees both adjacent to the access and on the main part of the site, several of which are protected by Tree Preservation Orders. In terms of the trees on the main site, it is considered that the proposed layout, while requiring the removal of some of the trees, would be acceptable in terms of the retention of protected trees and that suitable replanting of new trees could mitigate the loss of existing trees.

7.6.2 However, the required access improvements would necessitate the removal of the TPO lime tree at the corner of the rows of TPO lime trees which run parallel to Burwell Road and away from it into the site. The Council's Trees Officer notes that the trees contribute significantly to the character of the eastern entrance into the village and the loss of the tree is considered to cause significant harm to the visual amenity of the area. It is not considered that there is the option to replant a tree elsewhere on site that would offer the same level of amenity, as it would have to be on the main body of the site where its contribution to the character of the area would not be the same. Given the narrowness of the access, there is no way to provide an adequate widened access without removing the tree.

7.6.3 Furthermore the widening of the access, would bring the access within the root protection zone and close to the trunks of other trees on the access. This would put them at risk of damage both to roots and trunks and branches. The view of the Trees Officer is that this is likely to cause long-term harm to other protected trees on the driveway. The application has also not demonstrated how the site would be accessed by construction traffic and deliveries without causing harm to the retained protected trees.

7.6.1 The impact of the loss of the tree which would have to be removed and the likely impact on other protected trees on the drive is considered to be significant in terms of the visual amenity of the area and the character of the approach to the village and would cause significant harm. The proposal is therefore considered to be contrary to policies ENV 1 and ENV2 of the adopted Local Plan and policies LP22 and LP28 of the Submitted Local Plan 2018 which require that development proposals retain existing important landscaping and natural features.

7.6.5 It is therefore considered that the proposed development is unacceptable in that regard.

7.7 Highway Safety and Parking Provision

7.7.1 The application proposes to widen the existing access to 5 metres wide for the 10 metres closest to the adopted highway. The impact of such widening on the existing trees has been dealt with above, however in terms of highway safety, the Local Highways Authority has confirmed that the new arrangements would be sufficient to allow safe access to and egress from the site. The remainder of the access would not be widened until the site opens out and vehicles would not be able to pass on this narrow stretch, however the ability for two cars to pass on the 10 metres closest

to the highway and on the main part of the site, means that there should not be a requirement or likelihood of vehicles needing to reverse onto the highway or otherwise manoeuvre unsafely. The proposed development is therefore considered to be acceptable in terms of its impact on highway safety, subject to a condition for the widened access to be laid out in bound materials.

- 7.7.2 In terms of parking provision, the application proposes to retain two spaces with the existing dwelling, provide two spaces for each new dwelling and five spaces to serve the office building as well as four cycle parking spaces. This is considered to be sufficient provision and while concern has been raised regarding overspill parking in the village, it is likely that the proposed provision would be sufficient for the day-to-day needs of the development. Were permission granted, conditions regarding the laying out of the access and the provision of parking and turning areas and their surfacing could be applied.
- 7.7.3 Pedestrian access to the village would be possible through the existing site. While concern has been expressed regarding the impact of the storage of bins on the frontage on collection day, such arrangements would not be dissimilar to similar situations which exist in many other locations which do not cause undue highway safety implications. The LHA has not objected on that basis and it is considered that adequate provision could be made for refuse collection.
- 7.7.4 It is therefore considered that the proposal complies with policies ENV2, COM7 and COM8 of the adopted Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018 in respect of highway safety and parking.
- 7.8 Land Contamination
- 7.8.1 The proposed site is home to barns and outbuildings as well as land formerly associated with the main dwelling. The proposed intensive residential end use is sensitive to contamination, particularly in gardens of new dwellings and the Council's EHO has suggested a scheme of contamination investigation due to the sensitive end use as well as a condition regarding unanticipated contamination. It is considered that were development being permitted, the proposed conditions would give sufficient protection in this case.
- 7.8.2 It is therefore considered that the proposal complies with policy ENV9 of the adopted Local Plan 2015 and policy LP26 of the Submitted Local Plan 2018 in respect of the risks of land contamination.
- 7.9 Flood Risk and Drainage
- 7.9.1 The site is located entirely within Flood Zone 1 meaning it is at a low risk of flooding. The application form states that surface water would be disposed of via a Sustainable Drainage System and foul water drainage would be achieved by connecting to the mains sewer. There is no obvious impediment to providing adequate drainage in that manner and were permission granted, conditions requiring the submission of detailed drainage arrangements and their implementation could be applied to ensure suitable drainage of the development.

- 7.9.2 It is therefore considered that the proposal complies with policies ENV2 and ENV8 of the adopted Local Plan 2015 and policies LP22 and LP25 of the Submitted Local Plan 2018 in respect of its susceptibility to, and impact on, flood risk and the drainage measures proposed.
- 7.10 Biodiversity
- 7.10.1 The site contains both buildings and trees which would be converted or removed in order to facilitate the development and which have the potential to provide habitat for birds, bats and other wildlife.
- 7.10.2 The application includes a Preliminary Ecological Appraisal (PEA) which identifies two of the existing buildings as containing bat roosts and that the site supports foraging and commuting bats. It recommends three Phase 2 bat emergence surveys be carried out and reports than one has already been carried out. This provided confirmation of the conclusions of regarding roosting in the two buildings identified and other foraging activity on the wider site. Two further surveys would be undertaken and mitigation proposals finalised based on their findings, however the report suggests appropriate mitigation measures may include removing roofing by hand, the need for a license to remove bat roosts, the provision of enhanced bat roosts within the site and bat friendly planting. The mitigation of additional lighting from the scheme on bat foraging is also recommended.
- 7.10.3 The PEA also identifies the suitability of existing roof spaces and planting, some of which would be affected by the development, for bird nesting. It suggests the avoidance of bird breeding season for site set-up or the surveying of individual features prior to work being undertaken on them. It also recommends the provision of bird nest boxes on site. Mitigation of the construction on hedgehogs is also recommended as is the use of boundary treatments which allow easy movement for hedgehogs and other small mammals.
- 7.10.4 Based on the submitted PEA, it is considered that the proposed development would require significant mitigation proposals to be put in place prior to development, but that adequate measures could be specified which would mitigate the impact on protected and other species and would provide a net biodiversity enhancement on site. Were permission granted, the further bat emergence surveys and necessary mitigation and enhancement could be secured through a condition requiring a scheme of enhancement to be submitted and approved by the LPA.
- 7.10.5 It is therefore considered that the proposal complies with policies ENV1, ENV2 and ENV7 of the adopted Local Plan 2015 and policies LP22 and LP30 of the Submitted Local Plan 2018 in respect of the protection and enhancement of biodiversity.
- 7.11 Other Matters
- 7.11.1 Application documents and plans make reference to the relocation of the existing broadband mast and equipment to a location on the application site. However, the description of development on the application form omits the relocation of the mast and equipment and the submitted design and access statement makes it clear that the relocation would need to be the subject of a separate application. Therefore, while the plan shows a space retained for the relocation of the mast and equipment,

the approval of the current application would not grant permission for the relocation of the mast and an informative would be applied to any permission making that explicit.

- 7.11.2 Concern has been raised regarding the separate ownership of the land over which the access is provided and the potential that the applicant would not be able to agree a right of access to the dwellings. While the lack of an agreement might potentially constrain the delivery of the development, this is a matter which is outside of planning control and is not considered to be a reason to refuse the application.
- 7.12 Planning Balance
- 7.12.1 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.
- 7.12.2 The social benefits of the scheme are the provision of four dwellings which would add to the District's housing stock and provide additional dwellings towards the Council's supply of deliverable housing land. Given that no affordable housing would be provided there is no additional benefit in terms of meeting affordable housing needs. At four dwellings, the limited size of the scheme means that the overall benefit in terms of housing supply is relatively limited, however this benefit should be given due weight in the consideration of the tilted balance. The scheme would also result in four additional households in the locality which would provide some benefit in terms of the viability of local services and facilities. Given the contribution of such facilities to social wellbeing, it is considered that this benefit has a social dimension. Again, however, the limited scale of the development consequently limits the benefit derived from it in terms of the viability of local services and facilities.
- 7.12.3 The economic benefits of the scheme would include the construction of four houses which would bring about temporary economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme from construction are afforded relatively limited weight. There would also be a beneficial impact on the local economy in terms of the use of local services and facilities, however due to the small scheme size, the benefit is likely to be relatively limited. The increase in population may also contribute a limited benefit to the local labour market.
- 7.12.4 There is some potential for some limited environmental benefit from the scheme in the form of ecological enhancement on site resulting from the development.
- 7.12.5 The proposed development is largely located in the development envelope in accordance with requirements of policy GROWTH 2. The access, garden and parking area are located outside of the development envelope but are necessary to facilitate a scheme which is otherwise compliant with policy GROWTH 2. Given the lack of a five year housing land supply and the need it is not considered that the location of those elements outside of the envelope causes harm which would significantly and demonstrably outweigh the benefits provided by the housing.

- 7.12.6 The adverse impacts of the scheme would be the harm it would cause to the existing protected trees on site, which are considered to be of sufficient quality and amenity value that they have been protected by TPO, and the consequent harm to the visual amenity of the area
- 7.12.7 In weighing the benefits and adverse impacts on the tilted balance, as required under paragraph 11 of the NPPF, the benefits of the scheme are considered to be relatively limited, given the small scheme size, although this limited benefit is given significant weight due to the lack of a five year supply of deliverable housing sites. The adverse impact identified in terms of the loss of at least one visually important protected tree and the consequent harm to the character and appearance of the area is considered to be significant. The identified harm would conflict with the environmental objective of sustainable development and other NPPF policies including the need to achieve well-designed places (para 127) and is considered to be so great that it significantly and demonstrably outweighs the limited benefits which would be derived from the provision of the dwellings. As a result, the consideration of the scheme on the tilted balance indicates that the proposed development should be refused.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00905/FUL	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastcambs.gov.uk

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>